



JFW
B7A

Docket No.: 1460.1006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yusaku FUJII et al.

Serial No. 09/583,882

Group Art Unit: 2134

Confirmation No. 1929

Filed: May 31, 2000

Examiner: Tongoc Tran

For: METHOD AND EQUIPMENT FOR ENCRYPTING/DECRYPTING PHYSICAL
CHARACTERISTIC INFORMATION, AND IDENTIFICATION SYSTEM UTILIZING THE
PHYSICAL CHARACTERISTIC INFORMATION

**PETITION FOR WITHDRAWAL OF
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the above-referenced application a Notice of Abandonment, copy attached, was mailed August 3, 2006 indicating that the above-identified application is abandoned for failure to timely pay the required issue and publication fees within three month from the mailing date of the Notice of Allowance.

In accordance with MPEP § 711.03(c)(I)(A), the undersigned states that the Notice of Allowance was not received and attests that a search of the file jacket and the docket records indicates that the Notice of Allowance was not received.

A copy of the docket records where the non-received Notice of Allowance would have been entered, and thereby docketed for response, is attached hereto.

Applicants' review of the Patent Application Information Retrieval (PAIR) system indicates that the Notice of Allowance was mailed March 21, 2006. However, the Notice of Allowance was not received.

In view of the foregoing, Applicants respectfully petition to withdraw the holding of abandonment, re-mail the Notice of Allowance of March 21, 2006 and set a new period for payment of the issue fee and publication fee, if applicable.

In the event any fees are required with respect to the filing of this paper, please charge our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 09/05/2006

By: Temnit Afework
Temnit Afework
Registration No. 58,202

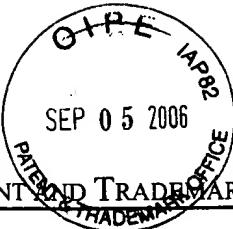
1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

TA

Pet. W/draw Allowed: 9-3-06



UNITED STATES PATENT AND TRADEMARK OFFICE

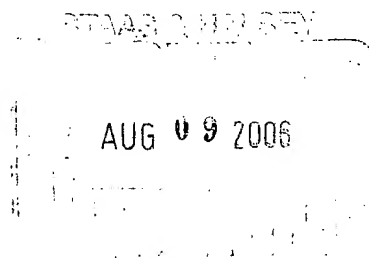


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,882	05/31/2000	Yusaku Fujii	1460.1006	1929
21171	7590	08/03/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.





Notice of Abandonment

Application No.

09/583,882

Examiner

TRAN

Applicant(s)

FUJII

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

ZC

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

8/10/2006

Patent Information Print

Docket No	1460.1006	Total Claims	15
Country	United States	Ind. Claims	15
Case Type	Regular	Expiration Dt	
Relation Type	Original Filing	Entity Status	
Filing Type	National	Foreign Agent	
Filing Number		Filing Partner	
Billing Attorney	Temnit Afework	Assignee No.3	
Original Atty	Harry J. Staas	Assignee No.4	
Client\Division	FURUYA INTERNATIONAL PATENT	Assignee No.5	
Assignee No.1	FUJITSU LIMITED	Techncl Editor	
Assignee No.2	NO ASSIGNEE	Client Ref No	98-05752US
Client Refer. No.	98-05752US	Add Prio Appln No	
Pat Proofing		Add Prio Fil Dt	
Next Tax Dt		Add Pri App No	
Tax Base Dt		Add Prio Fil Dtl	
Publication Dt		Assig 1 Reel/Frame	010839/0391
Issued Dt		Record Date 1	5/31/2000
Filing Date	5/31/2000	Assig 2 Reel/Frame	
Prio Issued Dt		Record Date 2	
Parent Filing Dt	6/21/1999	Intrntl Class	
Sub Stat Dt	5/30/2000	U.S. Class	
Prio Filing Dt	6/21/1999	No. of Pages	2
Conv Type		Grp Art Unit	2766
Publication #		Verified	N
Patent No		Customer	SNPP
Serial #	09/583,882 1929	Create Dt	5/26/2000
Prior Appln No.	11-174648	Update Dt	8/10/2006
Priority Country	Japan	Update Tm	0921
Sub Stat	Application Received	Update User	LMK
Status	Filed	Update Type	

Actions

Action	Application Filed	Comp Dt	5/31/2000
Act Due Date	5/31/2000	Patent Proofer	
DeadLn Dt	5/31/2000	Last Resp Atty	

Act Notes

NEW APPLN, 19 SHEETS FRML DRWGS, EXTRA CLMS, DECL, ASSIGNMEN
T, PRIORITY DOCUMNTS,
W/CK \$ 1,666.00***

Action	Incoming Mail Recvd	Comp Dt	8/25/2000
Act Due Date	8/21/2000	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Act Notes

08/25/2000 CLIENT ACKN RECEIPT OF ASSIGNMENT ***

Action	PTO Commnctn Recvd	Comp Dt	10/10/2003
Act Due Date	10/7/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Act Notes

PROJECT 3 TO 6 MONTHS BEFORE APPLN WILL BE EXAMINED

Action	Office Action Mailed Date	Comp Dt	10/29/2003
Act Due Date	10/27/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	Rprt to Clnt Sent	Comp Dt	11/3/2003
Act Due Date	11/1/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	Dtl Rprt Clnt Sent	Comp Dt	11/3/2003
Act Due Date	11/27/2003	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	Incoming Mail Recvd	Comp Dt	2/23/2004
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Act Due Date 2/17/2004
DeadLn Dt

Patent Proofer
Last Resp Atty

Act Notes
COMMENTS FOR RESPONDING TO OA.

Action Response Filed
Act Due Date 2/27/2004
DeadLn Dt 4/27/2004

Comp Dt 2/24/2004
Patent Proofer
Last Resp Atty

Act Notes
(15) AMENDMENT, REPLY/AMENDMENT FEE TRANSMITTAL; 1MEOT; CK
\$1164.00

Action Incoming Mail Recvd
Act Due Date 3/16/2004
DeadLn Dt

Comp Dt 3/18/2004
Patent Proofer
Last Resp Atty

Act Notes
DOCS. FOR FILING IDS

Action Incoming Mail Recvd
Act Due Date 5/10/2004
DeadLn Dt

Comp Dt 5/17/2004
Patent Proofer
Last Resp Atty

Act Notes
INQUIRIES TO RCVG COPIES OF AMDMNT FILE 2/24/2004

Action Office Action Mailed Date
Act Due Date 5/21/2004
DeadLn Dt

Comp Dt 5/24/2004
Patent Proofer
Last Resp Atty

Action Incoming Mail Recvd
Act Due Date 8/16/2004
DeadLn Dt

Comp Dt 8/18/2004
Patent Proofer
Last Resp Atty

Act Notes
EPC SEARCH REPORT

Action Incoming Mail Recvd
Act Due Date 8/24/2004
DeadLn Dt

Comp Dt 8/30/2004
Patent Proofer
Last Resp Atty

Act Notes
ENCLSD. CLAIM AMDMNTS FOR RESP. TO OF.AC./ IN REPLY TO LTR O
F 5/26/2004

Action IDS Filed
Act Due Date 9/4/2004
DeadLn Dt

Comp Dt 8/27/2004
Patent Proofer
Last Resp Atty

Act Notes
(5) IDS, PTO-1449, W/REFS

Action Response Filed
Act Due Date 9/21/2004
DeadLn Dt 11/21/2004

Comp Dt 9/21/2004
Patent Proofer
Last Resp Atty

Act Notes
(18) AMENDMENT; 1MEOT; CK \$110.00

Action Final Rejection Mail Dt
Act Due Date 1/5/2005
DeadLn Dt

Comp Dt 1/6/2005
Patent Proofer
Last Resp Atty

Action Incoming Mail Recvd
Act Due Date 3/29/2005
DeadLn Dt

Comp Dt 4/5/2005
Patent Proofer
Last Resp Atty

Act Notes
CLIENT COMMENTS FOR RSPDG. TO OF.AC.

Action Final Response Filed
Act Due Date 4/5/2005
DeadLn Dt 7/5/2005

Comp Dt
Patent Proofer
Last Resp Atty

4/5/2005

Act Notes

(7) AMENDMENT AFTER FINAL *****

Action Incoming Mail Recvd
Act Due Date 6/30/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

7/5/2005

Act Notes

DOCS. FOR FILING IDS

Action Notice of Appl Ext 3
Act Due Date 7/5/2005
DeadLn Dt 7/5/2005

Comp Dt
Patent Proofer
Last Resp Atty

7/5/2005

Act Notes

Sorry Lisa. I meant to let you know about the case before I left... the Examiner is going to allow the case so we did not need to file a Notice of Appeal/RCE.

thanks,
Temnit

Action Incoming Mail Recvd
Act Due Date 7/28/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

8/1/2005

Act Notes

DOCS. FOR FILING IDS

Action Office Action Mailed Date
Act Due Date 9/2/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

9/6/2005

Action IDS Filed
Act Due Date 9/13/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

7/5/2005

Act Notes

(35) IDS W/ EUROPEAN SEARCH REPORT AND 1 REFERENCE

Action IDS Filed
Act Due Date 9/24/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

9/19/2005

Act Notes

(9) IDS W/FORM PTO-1449

Action Incoming Mail Recvd
Act Due Date 11/29/2005
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

12/7/2005

Act Notes

CONF.LTR: INSTR FOR RESPONSE TO OA;

Action Response Filed
Act Due Date 12/2/2005
DeadLn Dt 3/2/2006

Comp Dt
Patent Proofer
Last Resp Atty

12/2/2005

Act Notes

(25) AMNDMNT INCL. FEE/REPLY TRNSMTL

Action Notice of Abandonment
Act Due Date 8/3/2006
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

8/10/2006

Act Notes

Failure to Pay Issue Fee



Action
Act Due Date
DeadLn Dt

~~Pet Wthdrw Aband/Rev~~
~~9/3/2006~~

Comp Dt
Patent Proofer
Last Resp Atty

Act Notes

~~Ntc of Aband. mailed 8/3/06 (Failure to Pay Issue Fee); No~~
~~tice of Allowance dated 3/21/06 WASN'T rcvd by S&H;~~

Action File CON Application
Act Due Date 10/5/2006
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

Act Notes

Please docket this case for a continuation application to be

8/10/2006

Patent Information Print

filed no later than the payment of the issue
fee.

Action Filing Receipt Recvd
Act Due Date
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

8/28/2000

Action No Foreign Filing Needed
Act Due Date
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

Action Req for OFR Filed
Act Due Date
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

10/13/2000

Act Notes

REQ FOR CORR OFR, MRKD UP PY OFR, CPY DCL**

Action IDS Filed
Act Due Date
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

4/14/2004

Act Notes

(1) IDS, FORM PTO-1449 W/3 REFS AND PARTIAL EP SEARCH REPOR
T ***

Action Filing Receipt Recvd
Act Due Date
DeadLn Dt

Comp Dt
Patent Proofer
Last Resp Atty

11/16/2000

Act Notes

CORR OFR

Remarks

Description

06/12/2000 LTR RE: MISTAKE IN DEBIT NOTE, PLSE CORRECT AND F
ORWARD NEW ONE***

Inventors

Inv Name FUJII, YUSAKU

Inv Name SHINZAKI, TAKASHI

Related Id

System Patent
Docket No 1460.1006
Ctry US
CS Type

RL Type
Filing Type
Filing No
Remarks

System Patent
Docket No 1460.1006C
Ctry US

RL Type
Filing Type
Filing No

C

CS Type Remarks

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Title

Title
METHOD AND EQUIPMENT FOR ENCRYPTING/DECRYPTING PHYSICAL CHARACTERISTIC
INFORMATION, AND IDENTIFICATION SYSTEM UTILIZING THE PHYSICAL CHARACTERISTICS
INFORMATION

Fax/Express Log

Trans Type Incoming Fax

Comments
05/26/2000 3 PGS

Trans Type Express Mailed Recvd

Comments
5/30/00 RECVD HARD COPY OF APPLN, VIA EMS TRAX # 427019182

Trans Type Incoming Fax

Comments
6-12-00 2 PGS RE-CORRECT REFERENCE NUMBER/DEBIT NOTE

Trans Type Incoming Fax

Comments
1-15-04 2 PGS RE-COMMENTS TO OFFICE ACTION

Trans Type Incoming Fax

Comments
2-17-04 5 PGS RE-COMMENTS TO OFFICE ACTION

Trans Type Express Mailed Recvd

Comments
3/18/2004 EMS EF 040336246

Trans Type Incoming Fax

Comments
5-10-04 3 PGS RE-COMMENTS TO AMENDMENT

Trans Type Incoming Fax

Comments
8-16-04 4 PGS RE-COMMENTS TO OFFICE ACTION

Trans Type Incoming Fax

Comments
8-24-04 6 PGS RE-COMMENTS TO OFFICE ACTION

Trans Type Incoming Fax

Comments
8-27-04 2 PGS COMMENTS TO FAX LETTER OF AUGUST 26.2004

Trans Type Incoming Fax

Comments
9-21-04 3 PGS RE-COMMENTS TO OFFICE ACTION

Trans Type Incoming Fax

Comments
3-29-05 8 PGS RE-COMMENT TO OFFICE ACTION

Trans Type Incoming Fax

Comments

5-11-05 2 PGS RE-COMMENT TO APPLI.

Trans Type Express Mailed Recvd

Comments

7/5/2005 EMS EF 0403361113

8/10/2006

Patent Information Print

Trans Type Incoming Fax

Comments

7-6-05 2 PGS RE-COMMENT TO CLAMS

Trans Type Express Mailed Recvd

Comments

8/1/2005 EMS EF 040336060

Trans Type Incoming Fax

Comments

11-25-05 2 PGS COMMENTS TO OFFICE ACTION

Trans Type Incoming Fax

Comments

11-29-05 3 PGS RE-COMMENT TO APPLI.